

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL WEST,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:06CV1126 RWS
	)	
MUNICIPAL COURT FOR THE CITY	)	
OF O'FALLON, MISSOURI, and	)	
JEREMIAH NIXON,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

Petitioner Michael West seeks a writ of habeas corpus. In his Petition he alleges multiple grounds for relief. I referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On December 20, 2006, Judge Noce filed his recommendation that West's habeas petition should be denied.

Objections to Judge Noce's Report and Recommendation were due to be filed by December 31, 2006. As of the date of this order, West has not filed any objection to the Report and Recommendation.<sup>1</sup> After careful consideration, I will adopt and sustain the thorough reasoning of Judge Noce and will deny West's habeas petition for the reasons stated in the Report and Recommendation dated December 20, 2006.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal

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<sup>1</sup> Instead he has filed a "Declaration for Rule(56) Discovery and Reply to Nixon's Response to Order to show Cause" on December 22, 2006 and a "First Renewed Motion for Sanctions" on January 8, 2007. Neither of these documents address Judge Noce's Report and Recommendation.

constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)).

I believe that West has not made such a showing on the grounds raised in his petition. Therefore, I will not issue a certificate of appealability.


Accordingly,

**IT IS HEREBY ORDERED** that Petitioner Michael West's Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

**IT IS FURTHER ORDERED** that any other pending motions in this matter are **DENIED** as moot.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 10th day of January, 2007.